

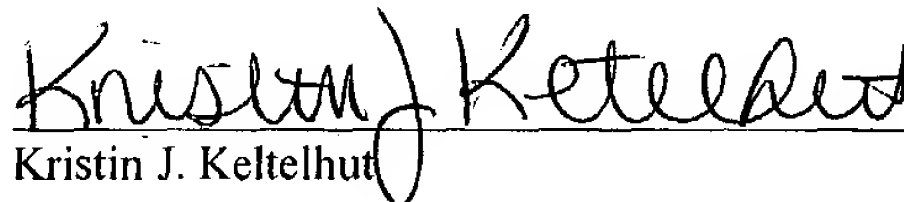
DOCKET NO.: C1040.70010US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heather L. Davis et al.
Serial No.: 09/768,012
Confirmation No.: 9273
Filed: January 22, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR
INDUCING A TH2 IMMUNE RESPONSE
Examiner: D. Nguyen
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 26, 2004.


Kristin J. Kettelhut

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART III: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

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The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Docket Number	Serial Number	Filing Date	Inventor(s)
C01037.70021.US	09/949,194	9/7/01	Peterson et al.
C01037.70025.US	10/017,995	12/14/01	Bratzler
C01037.70041.US	10/613,749	7/3/03	Krieg
C01037.70042.US	10/613,524	7/3/03	Krieg
C01037.70043.US	10/613,739	7/3/03	Krieg
C01037.70044.US	10/613,736	7/3/03	Krieg
C01037.70045.US	10/613,228	7/3/03	Krieg
C01037.70046.US	10/455,247	6/5/03	Krieg
C01039.70053.US	09/931,583	8/16/01	Krieg et al.
C01039.70057.US	09/965,101	9/26/01	Davis et al.
C01039.70058.US	10/023,909	12/18/01	Davis et al.
C01039.70060.US	10/112,653	3/29/02	Krieg et al.
C01039.70061.US	10/161,229	6/3/02	Krieg et al.
C01039.70062.US	10/187,489	7/2/02	Krieg et al.
C01039.70063.US	10/224,523	8/19/02	Krieg et al.
C01039.70065.US	10/272,502	10/15/02	Krieg et al.
C01039.70067.US	10/300,247	11/20/02	Davis et al.
C01039.70068.US	10/306,522	11/27/02	Krieg et al.
C01039.70069.US	10/314,578	12/9/02	Krieg et al.
C01039.70070.US	10/382,822	3/6/03	Krieg et al.
C01039.70071.US	10/435,656	5/9/03	Krieg et al.
C01039.70072.US	10/434,696	5/9/03	Davis et al.
C01039.70075.US	10/613,916	7/3/03	Krieg et al.
C01039.70077.US	10/619,279	7/14/03	Krieg
C01039.70078.US	10/627,331	7/25/03	Krieg et al.
C01039.70079.US	10/627,413	7/25/03	Krieg et al.
C01039.70082.US*	10/631,676	7/30/03	Krieg et al.
C01041.70016.US	09/954,987	9/17/01	Bauer et al.
C01041.70019.US	10/140,013	5/6/02	Schetter et al.

C01041.70029.US	10/212,133	8/1/02	Lipford et al.
C01041.70031.US	10/265,072	10/5/02	Lipford
C01041.70035.US	10/373,381	2/24/03	Wagner et al.
C01041.70037.US	10/407,952	4/4/03	Wagner et al.

*** Application was listed under Attorney Docket No. C1039.70080US00 in previous IDS. The Docket No. should be C1039.70082US00, as currently listed.**

PART IV: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

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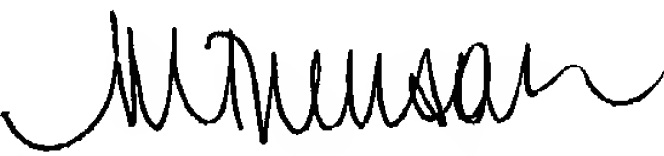
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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

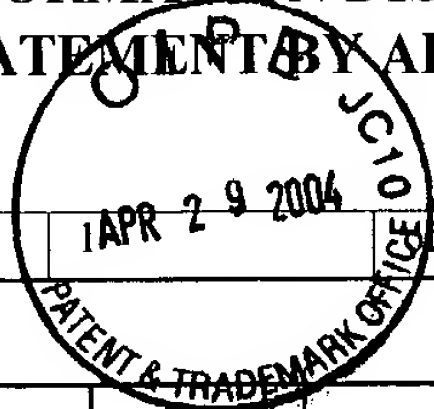
Respectfully submitted,
McCluskie et al., Applicant(s)

By: 

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Docket No. C1040.70010US00
Date: April 26, 2004
x04.24.04x

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 09/768,012	ATTY. DOCKET NO.: C1040.70010US00
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: January 22, 2001	CONFIRMATION NO.: 9273
		APPLICANT: McCluskie et al.	
		GROUP ART UNIT: 1632	EXAMINER: D. Nguyen
Sheet	1		



U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C86	Diamanststein, <i>Eur. J. Immunol.</i> 8:896 (1978)	
	C87	Kern et al., <i>Antimicrob. Agents & Chemo.</i> 7(6):793-800 (1975)	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]